

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

**TIMOTHY J. GAUTHIER AND GARTH
BACHMAN, Trustees of Oregon and
Southwest Washington NECA-IBEW
Electrical Workers Audit Committee,**

Plaintiffs,

v.

**VITRO ELECTRIC, LLC, a Limited
Liability Company, and JOHN VITRO, an
individual,**

Defendants.

Case No. 3:21-cv-00097-JR

ORDER

IMMERGUT, District Judge.

On May 4, 2021, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (F&R), ECF 18. The F&R recommends that this Court deny Plaintiffs Timothy J. Gauthier and Garth Bachman's Motion for Judgment, ECF 12. No party has filed objections.

DISCUSSION

Under the Federal Magistrates Act ("Act"), as amended, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge's F&R, "the court shall make a de

novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

No party having filed objections, this Court has reviewed the F&R and accepts Judge Russo’s conclusions. The F&R, ECF 18, is adopted in full. Plaintiffs’ Motion for Default Judgment, ECF 12, is DENIED without prejudice. Plaintiffs may file an amended motion for default judgment addressing the deficiencies noted in the F&R.

IT IS SO ORDERED.

DATED this 25th day of May, 2021.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge